

**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. AP-16-02**

There will **NOT** be a public hearing or public testimony for this appeal application on June 28 and 29, 2016.

**The hearing has been rescheduled to
Monday, July 25 and Wednesday, July 27, 2016 starting at 5:00 p.m.
See attached for new notice.**

The West Linn City Council is scheduled to hold a public hearing on **Tuesday, June 28, 2016 and Wednesday, June 29, 2016, starting at 6:00 p.m.** in the Council Chambers of City Hall at 22500 Salamo Road, West Linn, to consider an appeal by Upper Midhill LLC of the Planning Commission's denial of the 34-Lot Subdivision (SUB-15-03) and Water Resource Area permit (WAP-16-03) for property located at 18000 Upper Midhill Drive (Tax Lot 200 of Clackamas County Assessor's Map 21E 14CA).

The criteria applicable to an appeal of a denial of a subdivision and water resource area permit are found in Chapter 32, 85 and 99 of the West Linn Community Development Code. The City Council will make a decision to approve the application and overturn the Planning Commission's decision or deny the application and uphold the Planning Commission's decision based upon the applicable criteria and the evidence in the record. At the hearing, all written or oral argument must relate specifically to the applicable criteria and refer only to evidence and facts already in the record.

You have been notified of this hearing because City records indicate that you established standing on case SUB-15-03 and WAP-16-03 or because notice is required by Chapter 99 of the West Linn Community Development Code.

The hearing is limited to the issues clearly and distinctly set forth in the appellant's Notice of Appeal. Upper Midhill Estates LLC asserts that the applicable approval criteria in Community Development Code (CDC) 85.200(B) (5) and 85.200 were misapplied by the Planning Commission. Therefore, Upper Midhill Estates LLC disagrees with the findings adopted by the Planning Commission for the Subdivision and Water Resource Area permit applications and asserts that all of the criteria are met requiring the City to approve the Subdivision and Water Resource Area permit applications. Further, Upper Midhill LLC asserts that the procedural requirements of 99.110 (C) were not met.

The notice of appeal and the complete application for AP-16-02 is available for inspection, at no cost, at City Hall or via the City of West Linn's website at <http://westlinnoregon.gov/planning/18000-upper-midhill-drive-34-lot-subdivision> . Printed copies of these documents may be obtained for a minimal charge per page. At least 10 days

prior to the hearing, a copy of the staff report will be available for inspection at no cost or copies can be obtained for a minimal charge per page. For further information, please contact Peter Spir, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR, (503) 723-2539, or pspir@westlinnoregon.gov.

The appeal hearing is on the record, and it will be conducted in accordance with Community Development Code (CDC) 99.280(B), Council rules for on the record hearings and those rules in CDC Section 99.170 that are applicable to on the record hearings. **No new facts or evidence may be submitted in an “on the record” hearing.** Anyone wishing to present written argument on the issues being appealed may do so in writing by pointing out evidence in the record that is relied upon for the argument. Submitted arguments outside of the issues on appeal, or arguments that include new facts or evidence, will be redacted or will not be submitted into the record. The deadline for submitting argument is **Tuesday, June 21, at 5:00 p.m. Written testimony will not be accepted after this deadline; there will be no written argument accepted at the hearing on June 28th and 29th, 2016.** If you wish to read material at the meeting, you may do so, but the Council will not be accepting those as written materials. Members of the public may speak for a maximum of three (3) minutes each at the public hearing, but no new evidence or facts are allowed and those speaking should refer to the record for all facts relied upon. At the appeal hearing the Appellant, who is also the Applicant, will be allowed to present the basis for its appeal. The Applicant and members of the public opposing the application may speak, but no new evidence or facts are allowed and those speaking should refer to the record for all facts relied upon.

The Council may continue the appeal hearing to another meeting if it chooses to open the record on a limited basis pursuant to CDC 99.080(C) to obtain additional evidence or testimony, or close the appeal hearing and take action on the appeal as provided by CDC 99.290.

Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.